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The Politics of National Identity in West Malaysia: Continued Mutation or Critical Transition?

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Abstract

In this paper, national identity is conceptualized in terms of competing representations of the putative “nation” based on which socio-political contests unfold and bureaucracy functions.

Two key historical happenings marked the politics of national identity in West Malaysia: the 1969 racial riots and the Islamization policies. After 1969, comprehensive ethnic-based preferential policies were formalized, while Malay political primacy justified on the basis of indigeneity became entrenched. The Islamization Policy implemented from the 1980s mainstreamed the idea of Malaysia as a *negara Islam*. Executive curtailment of judicial autonomy led to institutional mutations dubbed by a scholar as the “silent re-writing of the Constitution.”

During the 1990s, despite selected socio-cultural measures of “liberalization” more accommodative of non-Malay interests, ethnic preferential treatments remained prevalent. Moreover, the conflation of the logic of Malay primacy with that of Islamic supremacy in institutional practices resulted in a rise in inter-religious contentions. Historic regime change became conceivable following recent political development. Nonetheless, prospects for radical revision of existing inter-religious dynamics remain dim because Islamic conservatism among Malay politicians transcends party-lines.

Keywords: nationhood, Malay political primacy, Islamization, inter-religious relations.

Introduction

Historians pioneered studies on the historical emergence of nationalism and nation-building efforts in Malaysia. One important historical study that lays the groundwork for studying the problematic of Malaysian nationhood is the constitutional history examined by Joseph Fernando [2002]. Complementary to historical studies are the works of social scientists such as Ratnam [1965], Vasil [1980] and Heng [1988]. They discuss in considerable depth issues related to citizenship and constitutional provisions, but position their work in the context of Malaysian ethnic politics. The works of Hussin Mutalib [1990; 1993] examine extensively state Islamization policies and the politics of the Islamic state till early 1990s. The evolving

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nationalist thinking of Dr. Mahathir, Malaysia's longest serving Prime Minister, was dissected carefully by Khoo [1995].

Other academic writings considering issues related to national identity and nationalism include Sharon and Suryadinata [1981/82], Tan [1988], Lee [1990] and Muhammad Ikmal Said [1996]. The latest journal articles or book chapters on Malaysian national identity explore changing perspectives of the political or bureaucratic elites on national integration [Lee 2004; Bunnell 2002; Case 2000; Khoo 2002; Ooi 2006], discourse analysis of the ideological construction of Malay identity as subjects or a majority [Watson 1996; Shamsul 1996; Milner 1998; 2005], and colonial roots of Malay identity and hence nationalism [Shamsul 1997; 1998].

There is nonetheless no scholarly work that examines the diachronic evolution of national identity in terms of ideological contests of national representation and the implications of bureaucratic practices informed by specific understandings of national identity. Moreover, the government and the state institutions are assumed to be one and the same in most analyses of Malaysian politics. This paper contends that there may be discrepancies between the two. I wish to highlight the yawning gap of perspectives between divisive institutional practices executed by state agents which have become entrenched over the decades and the impotence of policy reforms initiated by political decision-makers in Malaysia. As a consequence, reform programs or new orientation introduced by politician policy-makers may lose steam or be subverted owing to the weight of institutional inertia. This was the case during the 1990s as we shall see.

In this paper, national identity is conceptualized as competing representations of the identity of an imagined political community called "nation." Is Malaysia a Malay nation, or a multiethnic nation? An Islamic state, or a "secular" state? These attributes are not innocent concepts as they may serve as the ideological justifications for the way state institutions are run. The idea of nation is dubbed an "essentially contested concept," whereby a particular definition may favor the interests and identity of one sub-national group over another [Calhoun 1997: 98]. Day-to-day bureaucratic dealings and decisions operate based on a tacit understanding of a specific representation of the national identity.

Moreover, socio-political contests take place in the context of such an implicit apprehension of the existing socio-political order which serves as the overall "structures of meaning." Within the national framework of political contestations, the contended national identity is a form of relational identity [Duara 1996]. There is a tendency for the particular ethnic or interest groups controlling the State to render themselves as the reference point of the cultural foundation of the state in their formulation of nation-building programs [Williams 1989]. Malaysia is no exception.

In the case of Malaysia, religion forms an integral part of the ethnic identity of various communities, especially for the Malays whom by constitutional definition are Muslims. By asserting the superior position of Malay cultural (and religious) heritage in the national polity, as was done for instance through the proclamation of the National Culture Policy in 1971, the cultural and religious practices of other less empowered ethnic groups are accorded an

“informal” and lesser status. Such symbolic assertion may be done explicitly through discourses in the public sphere, or implicitly in routine bureaucratic practices performed by state institutions. Both are sites of production of national identity which interact dialectically but may involve different groups of socio-political actors.¹⁾

Behind ongoing ethnic politics and implicit in day-to-day bureaucratic dealings, what is implicated directly or indirectly may be the continued affirmation or attempted refutation of existing official representations of the nation. By situating ethnic politics within a diachronic context of the politics of national identity while taking into account of the synchronic ideological orientation underlying mutations of state institutions, we are able to gain insights into the Malaysian politics beyond its more immediate partisan struggle.

The national identity of a nation-state evolves over time. The existing dominant representation of the national identity and the official forms of state institutions take stock of the past negotiations and contentions among different social actors. In this analysis of the politics of national identity, I am proposing that significant changes occurred at two stages: first following the 1969 racial riots and secondly from the eighties following the implementation of state-led Islamization policies. While events in 1969 led to a resurgent ideological assertion of Malay supremacy in politics and its entrenchment in the functioning of state institutions, the 1980s saw a progressive “islamization” of state institutions as well as the mainstreaming of the idea of Malaysia as *negara Islam* [Islamic country/state]. This has led to the co-existence of two dominant ideological strands, one ethnic-oriented and the other, religiously-based. While there may be differences and contradictions between the two discourses, they are arguably variants originating from the same root: both are only justifiable if hinging on the argument of indigeneity, and both are the fruits of and stem from the entrenchment of Malay political primacy.

More than a year after the historic electoral results of March 8, 2008, and the political ascendance of a more multiethnic-oriented Malay-based People’s Justice Party (Parti Keadilan Rakyat, or simply, KeADILan) headed by Anwar Ibrahim, I argue in this paper that from the point of view of the politics of national identity, significant shifts in political paradigms remain hazy at this point in time.

The key to the core of Malaysian politics of national identity is the issue of Malay political primacy. Malay political dominance is a fundamental reality of Malaysian politics, notwithstanding the fact that the governing coalition since independence, the Alliance [subsequently expanded to form the *Barisan Nasional* or literally, the “National Front”], is multiethnic in its composition. Scholars differ in their assessment of the nature of Malay political primacy and when exactly such primacy became entrenched. On one extreme of the spectrum, Tim Harper [[1999]2001] thinks that the independence has rendered the Federation of Malaya a principally Malay nation, which is historically ungrounded. The historical work of Joseph Fernando [2002] and key official records subsequently made public have conclusively confirmed the ethnically

1) For a more elaborate discussion on my proposed theoretical perspective on national identity, cf. Ting [2008].

inclusive orientation the founding statesmen had intended the Federation of Malaya to be. Most other scholars, on the other hand, regard the dynamics of Malay hegemony as a factual observation and do not make such a far-fetched claim. John Funston [1980] who studied Malay politics even argues that government policies before 1969 were more favorable to non-Malays than Malays [*ibid.*: 294]. What is at stake in this discussion is the political basis based on which Malay political primacy is justified, and the issue of the foundational national identity of Malaya, and subsequently, Malaysia.

It may be argued that subsequent to the racial riots in 1969, there was a retrospective attempt to re-interpret the issue of citizenship and the constitutional provisions of the special position of the Malays as “based on the notion that Malaya was a Malay country and that it belonged only to the Malays” [Vasil 1980: 37–38]. The term that captures and asserts this idea of Malay ownership of Malaya, as used by ultra-Malay nationalists, is the term *ketuanan Melayu*. *Ketuanan Melayu* has been variously understood or translated as Malay hegemony, Malay political primacy, Malay sovereignty [*kedaulatan Melayu*] or Malay dominance. At the core of this mindset is the belief that Malaya belonged to the Malay people, was a Malay polity and has remained principally so despite colonialism and subsequently, independence. This provides ideological justifications to argue that non-Malays, with their non-native ancestral origins, should not expect equal treatment in terms of political entitlement and status. Comprehensive implementation of the ethnic-based preferential policies after 1969 and the introduction of a National Culture Policy were translated progressively into institutional entrenchment of Malay political primacy justified on the basis of indigeneity.

Another ideological strand which emerged from the late 1970s and can be understood as a variant of *ketuanan Melayu* is summed up in the term used from time to time by politicians from the Islamic party, PAS: *daulah Islamiyya* [Islamic sovereignty]. It is an endeavor to render Islamic principles as the encompassing reference for governance. Though pioneered by PAS, the idea made significant inroads during the eighties following the introduction of a myriad of measures in the name of islamization policies under premier Dr. Mahathir. These state-led initiatives such as the expansion of Islamic bureaucracy and Syariah institutions led to the mainstreaming of the ideology of Malaysia as a *negara Islam*. This had a generalized impact on policies implemented by various state institutional actors, including those in the national education system, to be elaborated in the latter part of this paper. Institutional mutations were effected by the interplay of various factors.

In the judiciary system, for instance, blatant political interference by the Executive weakened judiciary autonomy. This was compounded by the constitutional amendment inserting Article 121[1A] in 1988, subsequently eroding the role of civil courts as the ultimate adjudicator of inter-religious litigations. A senior law professor, Shad Saleem Faruqi, characterized this evolving trend in the judiciary system as a case of “silent re-writing of the Constitution,” undermining critically the originally “secular”²⁾ foundation of the nation.

The political weight of the discourse of the supremacy of Islam is increasingly felt in so far as political contests over inter-religious disputes are concerned, pitching non-Muslim socio-political actors against Muslims (except for a handful of Malay personalities who look beyond ethnicity and religion). In this regard, there does not appear to be a major divide among dominant Malay politicians, be they from the ruling BN or the opposition Pakatan Rakyat.

Therefore, while the general elections last year may have been described as a “tectonic change” by some, and have indeed transformed the Malaysian political landscape in some ways, there may not be a paradigm shift as far as the politics of national identity is concerned. Granted, the slogan of *ketuanan rakyat* [people’s supremacy] introduced by the opposition leader, Anwar Ibrahim, may potentially discredit the ideological assertion of *ketuanan Melayu*. Nonetheless, prospects to resolve equitably inter-religious problems remain uncertain even with an eventual historic change of government.

Due to the limit of space, events leading to the transition of the above-mentioned two stages will be outlined briefly³⁾. The bulk of my analysis will then focus on the situations from the 1990s till present.

The Politics of Ambiguity

The seeds of contradiction are sown at the birth of the United Malays National Organisation (UMNO), the most powerful Malay political party in the country from independence. UMNO came into being in 1946 under the impetus of the Anti-Malayan Union Movement based on this ideological understanding of *ketuanan Melayu*. Its founding president, Dato’ Onn Jaafar, once said that the UMNO movement did not adhere to any ideology other than *Melayuisme* [Mohammad Yunus Hamidi 1961: 126], defined by scholar Ariffin Omar [1993] as “the belief that the interests of the *bangsa Melayu* must be upheld over all else” [*ibid.*: 52].

Disregarding the objective, multi-ethnic socio-historical reality of the peninsula,⁴⁾ this aspiration of “Malaya for the Malays” becomes a baggage whereby building national unity becomes a challenging exercise of managing the contradictions generated by mutually exclusive political demands. This challenge is to haunt all the successive UMNO national

2) The Alliance memorandum submitted to the Reid Constitutional Commission stated that, “The religion of (Malaya) shall be Islam. The observance of this principle shall not impose any disability on non-Muslim nationals professing and practising their own religions and *shall not imply that the State is not a secular State.*” [Stockwell 1995: 316, emphasis added]

3) Elaboration of my argument and analysis of this period is detailed in Chapters 3.1 [The Entrenchment of Malay Hegemony] and 3.2 [From Malay Dilemma to Muslim Dilemma] of Ting [2007].

4) Any nation-of-intent for the nascent independent Malaya has to grapple with the fact that about half of the domiciled population then was non-Malay, with the majority of them locally born. These locally born non-Malays were habitually recognized as the subjects of the Malay ruler of their respective state [Carnell 1952: 510; Sinnadurai 1978: 72; Lau 1991: 17]. Advocates of Melayuism disregarded this *de facto* legal reality, insisting to admit non-Malays as citizens under re-defined, highly restrictive conditions.

leaders who needed to be engaged with the pragmatic politics of governance in cooperation with other ethnic-based parties⁵⁾ within the framework of the Alliance, while consolidating their own powerbase in UMNO.

The earliest generation of the Alliance national leaders shared a relatively liberal orientation of Western political philosophy. English-educated, these Malay, Indian and Chinese elites were well placed to negotiate independence from the British. However, they did not command full influence over the lower state and local levels of leadership, who came from a more tradition-bound, community-oriented background [Von Vorys 1976: 253].

On the other hand, Malay politicians outside UMNO, having been exempted from the burden of pragmatic governance, took a greater liberty in manipulating ethnic sentiments in order to bolster their own political credentials among Malay supporters. *Melayuism* thrived in this dialectical competition among Malay politicians to be its most “authentic” champion. Subsequently, it could be argued that the essence of Malay politics became dominated by competing interpretations of what a faithful translation of *Melayuism* entails [Ting 2007: 194–195].

As a consequence, the Alliance politicians tended to avoid making a clear public stand, if not contradictory stands at different occasions, on ethnically divisive issues.⁶⁾ They preferred backroom negotiations and compromise in order to minimize public contentions.⁷⁾ This lack of transparency, even inconsistency, of UMNO national leaders led to different people holding contradictory perceptions vis-à-vis these personalities, as well as interpretation of political reality.

This dynamic is an important point to bear in mind in analyzing the politics of national identity in Malaysia. Even though some people may argue that practical compromises are what ultimately count, the divisive impacts of an exclusivist ideological affirmation in the public sphere cannot be overstated, especially when made by those in positions of power. It generates a social dynamic of its own beyond the intentions of the governing politicians. After all, the discursive dimension is primordial in the representation of a nation as an “imagined community.”

The Drift from Middle Ground and Bureaucratic Entrenchment of Melayuism

Among the Alliance leaders, the initial spirit of equal partnership gradually lapsed into an incremental political dominance of UMNO after the historic electoral victory of the Alliance in

5) They were the Malayan Chinese Association (MCA) and the Malayan Indian Congress (MIC). Upon the formation of the Federation of Malaysia, the word “Malayan” was changed to “Malaysian.”

6) For instance, Funston [1980] was puzzled by the “contradiction between UMNO’s ideological and practical approach to non-Malays” [*ibid.*: 139–140].

7) Horowitz [1989] called it “palace politics,” defined by him as “quiet negotiations among a few decision-makers at the top of the system” [*ibid.*: 253–254].

the 1955 Federal elections. Fernando [2002] observed that consequently, “the MCA’s influence was subdued, being reliant more on the goodwill of their UMNO colleagues than on their political bargaining power” [*ibid.* 168]. The subsidiary position of MCA national leaders vis-à-vis UMNO president was made crystal clear when Tan Siew Sin managed to take over the national presidency of MCA from his more assertive rival, Lim Chong Eu, assisted by blatant interventions from UMNO president, Tunku Abdul Rahman [Means 1976].

Pro-Malay rhetoric among UMNO politicians also became more pronounced after the general elections in 1959, when PAS gained ground on the East Coast of Malaya at the expense of UMNO political influence. Socio-economic and infrastructural programs involving substantial financial resources were initiated to improve the conditions of the Malay community [Von Vorys 1976: 224–229; Milne and Mauzy 1978: 321–324]. Ethnic preferential policies were also implemented in earnest in the public sector and in education, adding to a non-Malay sense of deprivation and unhappiness [Takei *et al.* 1973]. Despite so, Malay elites regarded these measures as inadequate. Tussles over the use of which languages would be the official ones as the medium of instruction in national secondary schools, fuelled further interethnic dissensions [Roff 1967].

The 1969 general elections were conducted in this electrified atmosphere of tension. Subsequently, the Alliance returned to form the Federal government but lost its two-thirds majority. PAS retained Kelantan and regained Terengganu, while the opposition party, Gerakan, took over Penang state assembly. For several days, there was uncertainty as to whether the Alliance would continue to govern the states of Perak and Selangor. During the evening of 13th May, anti-Chinese riots erupted from the front gate of Harun Idris, the prospective Selangor Menteri Besar’s house. A State of Emergency was declared, and Parliament was suspended. Army personnel were dispatched to maintain peace and order.⁸⁾ The situation was brought under control within a few days, but the social scars took a long time to heal.

For at least three months, brewing resentment among Chinese residents in Kuala Lumpur led to an almost complete boycott of Malay stalls, retailers, coffee shops and other economic dealings [Means 1991: 9; Reid 1969: 273; Slimming 1969: 73]. There were accusations that the army personnel were partial towards the Malay trouble makers, even committing unwarranted acts of violence themselves against innocent Chinese civilians [Slimming 1969: 36, 77]. On the other hand, many Malays, with a heightened communal consciousness, faulted non-Malays for their “ungratefulness,” for not “knowing their place” and how to “give-and-take.” Malay social actors such as politicians, conservative civil servants and campus student leaders manifested an increased assertiveness in the public sphere [Funston 1980: 225].

Under the vehement charge of young Dr. Mahathir Mohamed who laid the blame of the situation squarely on the Tunku, the “ultra-nationalist” faction within UMNO gained ground. The Tunku retreated to the background to give way to his deputy, Abdul Razak Hussein.

8) Cf. Von Vorys [1976] for further details of this period.

Razak walked a tight rope in his delicate power-balancing maneuver. On the one hand, he brought back moderate Dr. Ismail Abdul Rahman to be his deputy. On the other hand, the new regime under the premiership of Razak openly and repeatedly affirmed Malay political primacy through UMNO.

Razak consolidated the political position of UMNO by enlarging the governing coalition (renamed *Barisan Nasional*, or BN) through the co-optation of opposition parties controlling the various states. He delineated the Chinese-dominated electoral constituencies in the greater Kuala Lumpur area, deemed “anti-government,” as the Federal Territory, to avoid a repeat of the 1969 electoral results for Selangor state [Cheah 2002: 123, 155].

The decades of the 1970s and 1980s saw the progressive entrenchment of a political culture affirming Malay primacy in the public sphere and in terms of state institutional practices.⁹⁾ Razak acquiesced to the formulation of the controversial National Culture Policy that asserts the primacy of the indigenous (reads, Malay) culture and Islam in the definition of “National Culture.” In the name of National Culture Policy, arbitrary enforcement of restrictive cultural policies by related state agencies who applied their own ideas of how they could serve the cause of *Melayuism*, provoked incidents of protests and discontentment [Milne and Mauzy 1978: 370; Horowitz 1989: 261, Kua 1990: 230].

Of far reaching impact was the launch of the New Economic Policy (NEP). Much as ethnic preferential policies had already been implemented in many sectors during the sixties, its scale of ramification in the society escalated to an unprecedented level. The NEP succeeded in transforming the socio-economic conditions of the Malay community within a generation. Unfortunately, the NEP also became a pawn in the games among UMNO politicians clamoring for fast-track political promotion or seeking a share of the ever-expanding economic rent [Horowitz 1989: 269]. Disbursement of state resources and the running of the public sector became enmeshed with the logic of ethnic preferential treatment [Shamsul 1988]. Justified in the name of “special position” of the Malays without understanding the original spirit behind, ethnic preferential treatment came to be perceived increasingly as a matter of birthright among a section of its beneficiaries [Ong 1990; 2007]. Conversely, non-Malays who raised critical questions on such practices were perceived as challenging the principle of *ketuanan Melayu*.

There was a sea change in the general political atmosphere. It is instructive that within a decade or so, the ban on the contentious book written by Dr. Mahathir in the aftermath of the racial riots, *The Malay Dilemma*, was lifted, while its author rose to become the Prime Minister of Malaysia. Immensely popular among the lower rank UMNO leaders and members as well as the younger generation of Malay university leaders [Funston 1980], his nation-view as articulated in *The Malay Dilemma* is reflective of the underlying ideological perspective behind the growing assertion of *Melayuism*. In his book, he argues that Malays as the original or indigenous people of the land (what he called, “the definitive people”) are the rightful owners of Malaya. This gives the Malays “certain inalienable rights over the forms and obligations of

9) Funston [1980] relates how there was an open affirmation of Malay political primacy through UMNO in the aftermath of 1969.

citizenship which can be imposed on citizens of non-indigenous origin" [*ibid.*: 133].

Soon after Dr. Mahathir became the Prime Minister in 1981, he introduced the Islamization Policy [Hussin 1990; 1993]. A plethora of measures with the declared intention to "inculcate Islamic values in the administration of the government" and to "Islamize" the state institutions were implemented. The mainstreaming of the idea of islamization of state institutions as a matter of policy legitimized personal initiatives of government officials who wanted to affirm a dominant role of Islam in the conduct of public affairs. They may or may not have been influenced by mass-based Islamist movements who had been propagating for incremental islamization of the public institutions and society from around mid-seventies.

Whether it was a case of "over-successful" endeavor or the fallout from riding on the "tiger" by Dr. Mahathir in his efforts to rein in political Islam, a new ideological thread of *ketuanan Islam* grew in strength parallel to the institutional entrenchment of officials imbued with *ketuanan Melayu* thinking in the public sector.

A memorandum¹⁰⁾ submitted by a large number of Indian associations in 1984 raised alarm regarding growing incidences of Malay or religious teachers in national schools imposing Islamic practices on non-Muslim pupils. The memorandum made a list of complaints in this regard, including non-Muslim Indian pupils being pressured to wear Malay/Muslim style school uniform and Hindu pupils being subject to Islamic indoctrination. Complaints were also directed at training workshops organized for government servants, whereby Islamic religious values and beliefs were presented as superior to other religions and cultures [No. 9.9 [4]]. They expressed their anxiety that "there are politicians, government servants, academicians and religious leaders who have already decided for themselves the future status of Malaysia as an Islamic State" [No. 7]. This situation was going to worsen during the following decades.

The Nineties: Not Quite the End of Ethnic Politics

From the point of view of the politics of national identity, the 1990s seems to be an anomaly of the longer term trend, in particular in terms of the seemingly more inclusive and accommodative official discourse pronounced in the public sphere. On the other hand, I would like to argue that in terms of state institutional practices, changes were superficial and at best selective. In effect, if the state of the affairs in the national education system as well as the judiciary system that we will be looking into is taken as a yardstick, the state-initiated liberalization and promotion of a more multicultural image of a Malaysian nation during the nineties had not rendered these state institutions more inclusive.

In 1991, Dr. Mahathir set the goal for Malaysia to attain the status of a developed country by the year 2020 as the national project. Building a united nation of *bangsa Malaysia* with a sense of shared destiny is listed as one of the challenges to be confronted in order to achieve

10) The memorandum was a response to the call by the Ministry of Culture, Youth and Sports in 1981 to evaluate the implementation of the National Culture Policy during the previous decades. It is reprinted as one of the appendices in Kua [1990: 256–270], from which I am quoting.

such goal.

A series of changes in government policy which may be construed broadly as “cultural liberalization” vis-à-vis the non-Malays took place during the first half of the 1990s. Symbolically significant was the 180 degrees turnaround of official obstructionism against the performance of lion dances that stirred up much ruckus during the 1980s. Dr. Mahathir even personally officiated a Chinese lion dance competition, which was given extensive publicity in the Chinese press. The cultural practices of non-Malays were accorded a greater place in the public sphere, on such occasions as the national day celebrations, the Penang Pesta, the Malaysia Fest and the Visit Malaysia Year campaign. Understanding it in the context of a switch towards “a more inclusive notion of nationhood” [Loh 2002: 28], Loh nonetheless acknowledges the possibility that this shift could just be part of the strategy to attract tourist dollars.

A significant contributing factor to the change in the “state scripting of the nation” during the 1990s appears to be the need for Malaysia to overcome challenges posed by forces of globalization in order to scale to a greater height on the world stage [Bunnell 2002: 110].

A policy change of practical significance for many non-Malays was allowing the establishment of local private institutions of higher learning on a greater scale, which enabled thousands of non-Malay youth to further their studies locally [Loh 2002]. The cheaper educational expenses involved lightening the financial burden of lower middle class parents and relieving unmet non-Malay demands for tertiary education. The government justified in pragmatic terms the move as the reduction of a financial drain from the country to universities overseas. In a bid to promote Malaysia as a regional center of higher education, the government exempted the use of national language as the medium of instruction in these private centers of tertiary learning.

There were several official efforts of “re-packaging” to promote a more multicultural image of a Malaysian nation. During occasions such as National Day celebrations or major festival celebrations, government advertisements on national unity were broadcast repeatedly on television that depicted multi-ethnic interaction and interethnic friendship, mutual tolerance and ethnic conviviality. In conjunction with these festivals, politicians would sponsor open house receptions including feasts and cultural performances for people from all walks of life. The government also launched a patriotic campaign with the slogan *Malaysia boleh!* [literally, Malaysia can [do]] in the late 1990s. Commenting on these “nation-building” initiatives, Lee [2004] felt that “since the late 1980s,” ethnic differences,

“have been promoted as a captivating feature of Malaysian society, a source of unity in diversity that dovetailed with the Vision 2020 agenda. Racial discourse was construed as a discourse centering on the triumph of Malaysian democracy in which acceptance, tolerance, and integration became the themes for the development of an equitable society” [*ibid.*: 133].

The MCA capitalized on the theme of *bangsa Malaysia* during their 1995 general elections, which was presented as an ethnically inclusive idea of the Prime Minister [Loh 2002: 33]. The impressive swing of Chinese votes in support of Chinese-based BN parties in the 1995 general

elections was generally interpreted as the Chinese community warming up to a more favorable policy reorientation by the government in the fields of the economy, culture and education [*ibid.*; Gomez 1996].

The huge victory of BN in the 1995 electoral contests led to the speculation by scholars as to whether the Malaysian nation has finally come of age and was seeing the end of ethnic politics. Loh [2002] argued that the politics of ethnicism prevalent during the 1970s and 1980s has been replaced by a greater emphasis on the discourse of “developmentalism.” Nonetheless, apart from selective measures of “liberalization,” decades old ethnic preferential policies in bureaucratic practices remain largely intact. My case study analysis in the coming section on state institutional practices during the same period will demonstrate that ethnicism expressed in the form of religious biases has in fact worsened during this “post-NEP” era.

The Reformasi Movement and its Aftermath

The euphoric feelings during the 1990s ended unexpectedly with the spectacular Asian financial meltdown in 1997. Even more significant than the economic downturn that occurred was the political turmoil following the sacking and imprisonment of the Deputy Prime Minister then, Anwar Ibrahim, in 1998. The incident provoked a great number of Malaysians, especially the Malays, to manifest on the street their indignation and protest against the high-handed and blatant manner a political opponent was victimized using state institutional machinery, with impunity. This has led to the convergence of a multiethnic front of social forces upholding universalistic values for democratic and civic governance.

Intra-Malay class contentions have seen the rise and fall of dissenting voices and intensified power struggles within UMNO since the late 1980s. It took the massive revolt against the system perceived as excessively authoritarian and corrupt during the Reformasi time for the emergence of a more “durable” Malay-based multiethnic party, the Parti Keadilan Nasional (literally, the National Justice Party; hereafter, KeADILan). A significant feature to note is the fact that KeADILan as a Malay-dominated party espouses an ideology which is not based on ethnicity or religion. Its party motto is “equity for all,” and affirms specifically that the special position for the Malays and natives in Sabah and Sarawak would only be applied to raise the socio-economic status of those who are poor and needy (KeADILan Party Constitution).

From the point of view of our analysis on the politics of national identity, the movement also gave visibility to a section of Malays who demonstrate a greater openness to embrace multiculturalism. Notwithstanding criticisms of the reproduction of the “old culture of politics” by former UMNO members in KeADILan, many common people drawn into political involvement by the momentous events were attracted by the ethnically inclusive and democratic discourses espoused by the deposed Anwar Ibrahim during his tour around the country to clear his name before his arrest. In addition, many social activists from non-governmental organizations also contributed formidably to the leadership of the Reform Movement [Weiss 2005].

The results of the 1999 general elections registered a substantial swing of Malay protest votes against UMNO, but mainly to the benefit of PAS. Comparatively, KeADILan that contested mainly in ethnically mixed seats did not do as well as anticipated. The carrot (an avalanche of electoral goodies) and scare (the prospects of Islamic rule pushed by PAS within BA or the *Barisan Alternatif*, and the threat of a repeat of 1969 riots should BN lost power) campaign tactics of BN targeting non-Malays seem to have been fairly successful.

These ethnically lopsided electoral results underline the need to mobilize voters from all ethnic groups in order to achieve a greater democratization of the Malaysian politics. It also drives home the point that non-Malay votes could be decisive in the event when there is a serious political cleavage within the Malay community. At some point, the strengthening of the opposition parties under the banner of the BA in the aftermath of the 1999 elections even spurred some BN leaders to entertain the idea of merging BN component parties into a multiethnic party. Nonetheless, the Mahathir regime opted for a different path. The government managed to paralyze KeADILan by imprisonment without trial its key leaders under the Internal Security Act. BA also fell apart when the Chinese-based Democratic Action Party (DAP) left the coalition in protest against the Islamic State agenda pushed by PAS.

In the meantime, any lingering illusion for evolving towards a more inclusive *bangsa Malaysia* was dashed when controversies over *suqiu* broke out. *Suqiu*, meaning “appeal,” is the Chinese acronym for an electoral memorandum signed by more than 2,000 Chinese associations and circulated among political parties for endorsement during the 1999 general elections. UMNO Youth organized demonstrations to protest against the memorandum as a tactic to divert attention from the weakened political position of UMNO following their massive loss of electoral support. At the center of contention was the suggestion to do away with the distinction between *Bumiputera* [Malaysians of indigenous descent] and non-*Bumiputera*, and the proposal to replace the NEP with needs-based affirmative action. The *suqiu* committee was subsequently pressurized by UMNO youth wing to withdraw some of these requests deemed as “seditious.”

The all-time low popularity of Dr. Mahathir among the Malay populace subsequently led to his decision to retire from active politics. His handpicked successor, Abdullah Ahmad Badawi, astutely integrated the reform agenda pushed by the reform movement and the opposition as his own, and secured the biggest ever electoral victory of BN in 2004. Abdullah nonetheless could not deliver his electoral promises of reforms due to fierce resistance from senior UMNO stewards within his own cabinet. His indecisive political style also allowed certain emboldened UMNO leaders to make racist and incendiary remarks against non-Malays with impunity. Not only was he unable to carry through reforms of the police force authoritatively, he also could not resolve speedily and effectively inter-religious conflicts arising from contentious judiciary deliberations.

Widespread frustration and dissatisfaction set the stage for an unexpected seismic change in the political landscape of the country during the 2008 March general elections. The BN was returned with a much reduced majority in the Parliament, but lost control of four state

governments in addition to Kelantan which was retained by PAS.

The election results emboldened the *de facto* leader of KeADILan, Anwar Ibrahim, to articulate further his espousal of a new politics of multiculturalism. The unprecedented political gain made by KeADILan electoral candidates prompted political observers to note that their pledge to replace the NEP with needs-based affirmative action did not seem to be a political liability among Malay voters. The night the electoral results were known, an elated Anwar remarked,

The people have voted decisively for a new era where the government must be truly inclusive and recognize that all Malaysians, regardless of race, culture or religion are a nation of one.

Even more significantly, on the eve of the expiry of an official ban on his political participation, Anwar Ibrahim declared to a crowd of some 20,000 people gathered at Kelab Sultan Sulaiman in Kampung Baru, that it was time to replace the ideology of *ketuanan Melayu* propagated by UMNO with *ketuanan rakyat*. He also assured the majority Malay crowd that while political coalition led by him would champion the rights of all Malaysians, the constitutional rights of the Malays would be protected ["Kampung Baru hails '*ketuanan Rakyat*.'" *Malaysiakini*, April 16, 2008].

The opposition parties, named as Pakatan Rakyat (PR), were given a once-a-lifetime chance to dirty their hands in local governance. In several states, the PR-led state governments, among other things, initiated a policy of open tender for projects, issued permanent land titles to long-term Chinese residents in new villages (as well as to Malay villagers), and appointed some non-Malays to important official positions.

Put on the defensive, UMNO-controlled Malay newspaper, *Utusan Malaysia*, spared no efforts in whipping up a sense of insecurity among the Malay community with the message that Malay rights are under threat. Elements within UMNO and various conservative Malay social pressure groups have also been vocal over what they perceive as non-Malay challenges to the special position of Malays and the position of Islam.

The significant electoral setback has led to national leadership revamp of major component parties of BN. Dissident voices among the rank and file revolt against what they perceived as incompetent leadership, calling for the latter to face up to their responsibility over the electoral defeats. Premier Abdullah was subsequently pressured to step down by his critics within the party.

The strong gain made by the opposition, including KeADILan, has raised the hope for the emergence of a credible two-party system. Subsequent by-elections conducted over the past one year also saw an increase in margins of majority gained by PR candidates. Nonetheless, partnership among PR party leaders appears to remain delicate. Much groundwork remains to be done and compromise to be sorted out among the three component parties in order for a more coherent working platform and coalition ideology to be forged. In addition, PR will have to seize this window of opportunity to prove their mettle in governance so as to persuade the

voters to renew and even enlarge their electoral mandate in a few years to come.

The Challenge of Bureaucratic Reforms

Mere adaptation in public ritualistic practices and media propaganda described earlier are insufficient to forge a greater national unity. A far greater challenge confronted by any political reformers intending to foster a more inclusive Malaysian nationhood is an effective revamp of institutional practices and cultures which are ideologically imbued with the so-called *Melayuism*, and now ever more so with its Siamese twin, *ketuanan Islam*. The two most prominent examples of state institutions that have in recent years come under public scrutiny are in this respect the “islamization” of national schools and the incremental disempowerment of non-Muslims in seeking judiciary recourse for inter-religious litigations involving a Muslim party.

The “Islamization” of the National Schools

In recent years, anecdotal evidence of ethnic discrimination against non-Malay pupils in national school has surfaced time and again.¹¹⁾ Within state institutions, the perception of ethnic discrimination remained unchanged throughout the nineties. For instance, teachers in Chinese primary schools interviewed around the mid-1990s continued to think that the ethnic discrimination practiced by the government worked against the emergence of a common identity among all Malaysians [Glad 1998: 201]. The fieldwork of Joseph [2006] during the 1990s indicated that resentment against the educational quota system was still vividly felt among non-Malay teenage girls studying in secondary schools, while Malay schoolgirls constructed their ethnic discourse around the affirmative action policy. Non-Malay teachers in national schools are aware that despite fulfilling professional criteria, their chances of promotion are limited. The Malay-dominated teaching staff in the national school system have grown accustomed to a system of rewards and promotion whereby ethnic criteria weighs far more over professional merits. Even the term *ketuanan Melayu* itself has found its way into the most recent version of secondary history textbooks. The Form Four history textbook was also significantly revamped to switch focus from world civilization to Islamic civilization [Ting 2009]. There appears to be a conflation of the logic of *ketuanan Melayu* with that of *ketuanan Islam*.

11) Complaints have been voiced by parents in the letter column of newspapers irregularly, and in recent years, on discussion blogs on the internet. This reality was also voiced by some disgruntled parents, retired teachers and ex-pupils at the height of the controversies surrounding the claim by the National Union of Teaching Profession (NUTP) that around 10 per cent of national schools in the country practised “racial segregation” or ethnic-based streaming of classes. Complaints which surfaced included the naming of classes using racial slurs such as 4K which is known as “4 Keling” (*Keling* is a derogatory term in Malay for Indians), discrimination in the award of prizes for educational excellence, a case where all the Indian pupils were placed together with Indonesian pupils [“Segregation complaints cast doubts on committee’s credibility,” *Malaysiakini*, March 26, 2002; “Disgruntled parents not told about school probe,” *Malaysiakini*, March 27, 2002].

We have already mentioned the complaints of Indian associations dating back as early as 1984 regarding the disrespect and religious insensitivity shown by some Malay teachers and national school administrators towards Hindu pupils. The extent of such problems appears to have become even more rampant and widespread during the subsequent decades. Grievances are directed at the inconsiderate imposition of Islamic prayers or rituals in the running of the schools, in disregard of the minority presence of non-Muslim pupils. The overzealousness of some school principals and religious teachers in regulating the wearing of headscarves by Muslim female pupils put off even Malay parents who are more liberal-minded.

It is noted that most of the teachers teaching Moral Education (a compulsory examination subject for non-Muslims from 1993) are Muslims and that "there is a natural tendency for a bias towards Islam" [Maureen Chew, "Islamisation and the Decline of Mission Schools," *CANews*, July 2003, p.p. 10]. This was previously compensated by having the students joining religion-based clubs in schools. The 1995 Education Act omitted religious clubs from its list of authorized organizations to be formed in schools. Accordingly, a senior officer in the Education Ministry issued a directive to ban all religious societies in schools. Notable is the reasoning applied to justify the ban. The circular stated that *given the fact that Islam was the national religion, all the other religions were not supposed to be allowed in schools* [Abdul Razak Baginda and Schier 2003: 100–102].

In December 2002, Prime Minister Dr Mahathir admitted that the school system had been "hijacked" and that Islamic practices had been introduced into the schools such that non-Muslims felt alienated and were turned away from it. At another occasion, he lamented that national schools had become like "religious Malay schools" (*sekolah Melayu agama*) ["Sekolah kebangsaan diperbetul." *Utusan Malaysia*, February 14, 2003].

In a dialogue on the trend of "islamization" in schools in January 2003, the Director General of the Ministry of Education, Abdul Rafie Mahat, admitted his concern that "national schools have become too dominant, not only in terms of the number of Malays, but also in the character it brings up." He nevertheless stressed that it was "a case of the hands and the other limbs doing different things from the head, contrary to what the Ministry desires" [Abdul Razak Baginda and Schier 2003: 75]. Admitting the failure of the role of national schools in fostering ethnic integration, Premier Abdullah Badawi announced during the Malaysian Education summit in April 2004 a series of reform measures¹²⁾ to rectify their weaknesses. It is yet to be seen that these remedial steps are effective in correcting problematic situations in national schools.

12) Among others, reform measures planned by the government include: introducing Arabic, Mandarin and Tamil as subjects; increasing the number of non-Malay principals; making teachers sensitive to multi-racialism; and enhancing the interaction of national schools with national-type schools [*Malaysiakini*, April 27, 2004].

Disempowerment of Non-Muslims in Seeking Judicial Redress Concerning Inter-religious Litigations

Conclusions in 2008 by the Royal Commission of Inquiry into The V.K. Lingam Video Clip¹³⁾ have confirmed longstanding public perception of how corrupted the judiciary system in Malaysia has become due to excessive political interference. Setting aside the general state of the judiciary crisis, of relevance to our concern here is how many of the deliberations involving inter-religious litigations made by Muslim judges in the civil court have been perceived to be increasingly biased against non-Muslims. At the source of various difficulties in this case is the gradual evolution in the interpretation of Article 121[1A] of the Federal Constitution, which stipulates that civil courts “shall have no jurisdiction in respect of any matter within the jurisdiction of the Syariah courts.”¹⁴⁾

Right after the clause was inserted, civil courts at the end of 1980s and beginning of 1990s still upheld their general jurisdiction except in cases judged to fall expressly within the jurisdiction of the Syariah court [“Fighting legal illiteracy.” *The Sun*, January 6, 2006]. However, during the 1990s, Muslim judges in the civil courts increasingly declined to adjudicate inter-religious disputes over religious matters, citing Article 121[1A]. This has indirectly widened the jurisdiction of the Syariah Court at the expense of the civil court.

One legal case which caught the attention of various civil groups was that of S. Shamala a/p Sathiyaseelan.¹⁵⁾ Shamala found out that her husband whom she married under Hindu rites in 1998 converted to Islam in 2002. Not only did he take a second [Muslim] wife, he also converted their two young children without informing Shamala. She filed for divorce and applied for the custody of the children, seeking declaration that their conversion was null and void without her consent. In April 2004, the High Court deliberated to abstain from adjudicating on the conversion of Shamala’s children, but instructed her to bring them up as Muslims. Sixteen non-governmental organizations, concerned about the progressive deterioration of the role of civil court in upholding constitutional fundamental rights, decided to form a group known as Article 11, named after the section of the Federal Constitution providing for the guarantee of individuals’ freedom of religion.

The controversial case which subsequently generated the most emotions and mobilization was that of Maniam Moorthy, an army commando who became paralyzed after a military

13) A senior lawyer was video-taped to be in telephonic conversation with someone whom he informed would be appointed as the new Chief Justice thanks to his lobbying work.

14) The constitutional amendment was rushed through the Parliament: tabled for the first reading on March 17, 1988, and passed the next day.

15) Information provided on the case has been reported widely in local media. The author also attended a seminar organised by Article 11 held on June, 26, 2004 whereby testimonies of parties involved were made. The court verdict delivered in April 2004 may be found at <http://www.cljlaw.com/public/cotw-041126.htm>. A local socio-political magazine, *Aliran Monthly*, also carried an article analyzing the case: “Justice and Jurisdictions—The Shamala Sathiyaseelan v. Dr. Jeyaganesh C Mograrajah (Muhammad Ridzuan) custody case” by Rizal bin Chek Hashim [*Aliran Monthly* 2004: 7].

training accident in August 1998. In November 2005, he fell and incurred serious head injuries, and died on December 20, 2005. While he was already in coma, his startled wife, Sinnasamy Kaliammal, was told by the Federal Territory Islamic Religious Affairs Council that Moorthy converted to Islam two years earlier. Kaliammal who was never informed of his conversion, claimed that he continued to eat pork and attend Hindu religious rites. At his death, the 30-year-old widow filed an application at the High Court seeking to claim his body for burial according to Hindu rites. The Federal Territory Islamic Religious Council then obtained an *ex parte* [unilateral] application at the Syariah High Court to declare that Moorthy had converted and died a Muslim and should be buried accordingly. On 28 December 2005, without looking into the evidence presented by Kaliammal, Mohd. Raus Sharif, the presiding Appellate and Special Powers High Court Judge, declared, "The Civil Court does not have the power to make a judicial review on the Syariah Court order, nor to ignore or nullify it." Feelings of sympathy and indignation for Kaliammal was heightened by the fact that she had suffered silently for seven years since Moorthy became paralyzed, attending faithfully to his needs and difficulties.

A Hindu Rights Action Force [Hindraf] regrouping of more than 50 Hindu associations was formed rapidly in response to the court decision. Their aim was to carry out lobbying work with political parties to push for permanent and equitable solution to such problems and a whole array of other social issues confronted by the Indian community. Despite their unsuccessful lobbying work, almost 20,000 people turned out when they organized a mass demonstration in November 2007 in Kuala Lumpur to manifest their protest against marginalization and discrimination experienced by the community. The key leaders of Hindraf were subsequently detained without trial under the Internal Security Act, only to be released in May 2009. It was this intense feeling of anger and widespread sense of frustration towards the unjust treatment faced by the community which has led to the spectacular defeat of all major MIC national leaders during the March 2008 general elections.

Conclusions

Are we at a critical stage of Malaysian history from the point of view of the politics of national identity? There appears to be a mixed record of instances of setbacks and progress from the point of view of prospects to achieve a greater national unity. Even though many put a lot of hope in the new possibilities opened up by an eventual takeover of PR, the scenario ahead is not as clear-cut. Small stepping stones have appeared which may subsequently form a patchy path leading to a greater consensus on a more inclusive representation of Malaysian national identity. But the larger picture is less optimistic, especially in terms of the assertion of the superior position of Islam as the official religion over other religions.

Anwar Ibrahim, the designated Prime-Minister-in-waiting of the opposition coalition, appears to be circumspect in applying his multiculturalist position when it comes to the

religious realm.¹⁶⁾ Despite the openness of PAS on specific issues such as vernacular education, its Islamic ideology of *Daulah Islamiyyah* is arguably a religious variant of the same logic of Melayuism. PAS party stewards have been at the forefront as “defenders of Islam” against social groups such as Article 11 or the Bar Council who raised the alarm regarding the failure of the civil court to uphold constitutional fundamental rights.

An important variable which is not integrated into my analysis is the evolution of politics in Sabah and Sarawak. They are in fact the pillars propping up the governing BN after the 2008 elections. Given the very different cultural, socio-political and demographic contexts, their eventual politicization and assertion of more political influence could bring about significant changes in the equation of the politics of national identity.

On the other hand, my analysis has demonstrated that in order to make an assessment of the evolution of national identity, it is not sufficient to analyze solely discourses pronounced by politicians and to examine partisan politics. Institutional practices are arguably even more potent and tenacious in the affirmation of the inequitable worth of citizens’ status in the putative nation. Underlying the two cases of institutional practices that we have related is the implicit ideological understanding of the national identity by the institutional agents involved. These practices have become so widespread and ingrained in the institutions concerned that they cannot be rectified by mere decree enactment or policy enunciations by the governing elites. Institutional reforms would entail persistent rectification of the work culture behind routine practices and decisive modification of the perspectives of the state agents concerned.

However, the starting point of change may logically begin with the ideological paradigm shift in the dynamics of political contests. From this point of view, the gaining in currency of the bold slogan of *ketuanan rakyat* heralds an important milestone in national politics, especially if PR could be consolidated sufficiently for a viable two-party system to emerge. It remains to be seen whether PR leaders honor their political position by consistently translating it into concrete policies, action and practices,¹⁷⁾ and whether they would succeed in inducing similar switch of rhetoric on the part of BN.

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16) For instance, positions of PR leaders over the most recent legal wrangling between a Hindu mother and her husband converted to Muslim faith over the custody of their children were ambiguous and less than unanimous [“Pakatan stands with mother in religious conversion flap,” *The Malaysian Insider*, May 3, 2009, <http://www.themalaysianinsider.com/index.php/malaysia/25374-pakatan-stands-with-mother-in-religious-conversion-flap>]. Cf. also my earlier observations in Helen Ting, “Anwar may not be Malaysia’s Political Messiah,” *Eureka Street*, April 15, 2008, 18: 8 [<http://www.eurekastreet.com.au/article.aspx?aid=6654>].

17) Granted, scepticism has been voiced as to whether the embrace of multiculturalism implied in the term *ketuanan rakyat*, posed as the antithesis of *ketuanan Melayu*, is merely semantic. However, we need not foreclose or underestimate the potency and autonomy of such ideas in the future political development in national politics.

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